

Message Text

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PAGE 01 PANAMA 01136 252112Z

72

ACTION ARA-20

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SUBJ: CONSULTATION WITH PANAMA ON CHANGES IN
US FORCES IN CANAL ZONE.

REF: STATE 035385.

1) SUMMARY: BOTH CRITERIA A AND B ARE APPLICABLE AT
PRESENT BASED ON CURRENT US INTERPRETATIONS OF THREATS
OF AGGRESSION AND US SECURITY REQUIREMENTS. US SHOULD
INITIATE CONSULTATION ON THE BASIS OF THE 1903 CONVENTION
AS AMENDED, AND NOT AS MATTER OF COURTESY. MOREOVER,
SECRETARY OF STATE REITERATED THIS MONTH BOTH IN PANAMA
CITY AND MEXICO THAT US POLICY IS AND WOULD CONTINUE TO
BE TO CONSULT ON OUR PROPOSED ACTIONS WHICH MIGHT AFFECT
OTHER COUNTRIES.

2) IN CALLING ATTENTION TO THE CONSULTATION REQUIREMENT
OF ARTICLE X OF THE 196 TREATY, I ASSUMED THAT OUR FORCES
ARE STATIONED IN PANAMA BASED ON THE U S ESTIMATE OF
THE THREAT OF AGGRESSION ENDANGERING THE SECURITY OF
PANAMA, OR THE NEUTRALITY OR SECURITY OF THE
CANAL, AND THE U S VIEW THAT WE COULD NOT WAIT FOR
THE THREAT TO MATERIALIZE BEFORE WE ACTED BECAUSE IT
MIGHT BE TOO LATE TO RESPOND. I ASSUMED THAT IN
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PAGE 02 PANAMA 01136 252112Z

MAKING A CHANGE IN THE FORCE STRUCTURE WE WERE DOING

IT IN RESPONSE TO A NEW ESTIMATE OF A THREAT. THIS IS THE ASSUMPTION OF ALL U S POLICY ON PANAMA AND THE CANAL ZONE. THE IMPLICATION OF THE DEPARTMENT'S INTERPRETATION IS THAT US ARMY SOUTH WOULD BE MARGINAL IN RESPONDING TO A THREAT OF AGGRESSION AFFECTING THE SECURITY OR NEUTRALITY OF THE PANAMA CANAL, AND THE FACT THAT IT MAY BE ABOLISHED IS THEREFORE NOT OF SUFFICIENT CONSEQUENCE TO BE THE SUBJECT OF CONSULTATION UNDER ARTICLE X.

3) THE NATURE OF WARFARE AND THE U S VIEW OF THREATS OF AGGRESSION HAVE CHANGED DRAMATICALLY SINCE THE 1936 TREATY WAS CONCLUDED WITH PANAMA. U S FORCES ARE STATIONED IN PANAMA & HAVE BEEN FOR SOME TIME ON THE ASSUMPTION THAT A THREAT DOES EXIST AND THAT THESE FORCES ARE NEEDED TO PROTECT THE NEUTRALITY OR SECURITY OF THE PANAMA CANAL. IT IS INCONCEIVABLE, GIVEN THE NATURE OF MODERN WARFARE, THAT THE PRESENCE OF U S FORCES IN PANAMA WOULD NOT AFFECT PANAMANIAN TERRITORY. THE U S REACHED EXACTLY THE OPPOSITE CONCLUSION FROM THAT IN REFTEL WITH RESPECT TO CUBA IN 1962 WHEN IT MADE A VERY VIGOROUS RESPONSE TO THE PRESENCE OF SOVIET FORCES IN THAT COUNTRY. WE REITERATED THE US POSITION ON SOVIET FORCES ONLY RECENTLY. OUR DEFENSE ACTIONS UNDER THE 1903 CONVENTION AS AMENDED ARE BASED ON THE WORLD AS IT IS TODAY. WE WOULD BE ON MUCH FIRMER GROUND IF OUR LEGAL INTERPRETATION OF ARTICLE X OF THE 1936 TREATY WERE CONSISTENT WITH OUR INTERPRETATION OF "THREATS OF AGGRESSION" AND "SECURITY" IN ALL OTHER CASES AND OF THE TREATY AS EVIDENCED BY OUR ACTIONS ON THE GROUND.

4) I FIND IT ESPECIALLY HARD TO ACCEPT THE DEPARTMENT'S READING OF ARTICLE X IN THE CONTEXT OF THE SECRETARY'S SPEECHES IN PANAMA CITY ON FEB. 7 AND IN MEXICO CITY ON FEB. 21. IF WE EARNESTLY SEEK TO ESTABLISH A NEW COMMUNITY OF EQUALS WITH LATIN AMERICA THROUGH CONSULTATION AND BASED ON THE PRINCIPLES OF INTERDEPENDENCE AND RECIPROCITY, THERE IS NO BETTER PLACE TO DO IT THAN IN PANAMA.

5) THE DEPARTMENT'S READING OF ARTICLE X OF 1936 TREATY IS CONFIDENTIAL

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PAGE 03 PANAMA 01136 252112Z

SISTENT WITH THE GOP'S READING OF ARTICLE XXIII OF 1903 CONVENTION. THE GOP HOLD THAT THE USG HAS NO RIGHT TO STATION ITS FORCES PERMANENTLY IN PANAMA, BUT ONLY WHEN IT CONCLUDES THAT THERE IS A THREAT TO THE SECURITY OR NEUTRALITY OF THE CANAL. THE USG HAS NEVER ACCEPTED THE GOP INTERPRETATION BUT HOLDS THAT THE THREAT IS PERMANENT. IN ORDER TO MAKE CONSISTENT OUR VIEW OF ARTICLE XXIII WITH ARTICLE X WE SHOULD CONSULT AT ANY TIME WE

REVISE OUR ESTIMATE OF THE PERMANENT THREAT AND
THEREFORE THE FORCES REQUIRED TO DEAL WITH IT.
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